	Application No.	Applicant(s)
Notice of Allowability	09/828,402	KOSEKI ET AL.
	Examiner	Art Unit
	John Chavis	2124
The MAILING DATE of this communication apper All claims being allowable, PROSECUTION ON THE MERITS IS herewith (or previously mailed), a Notice of Allowance (PTOL-85) NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RI of the Office or upon petition by the applicant. See 37 CFR:1.313	(OR REMAINS) CLOSED in this or other appropriate communicat GHTS. This application is subject	application. If not included tion will be mailed in due course. <b>THIS</b>
1. ☑ This communication is responsive to <u>08/20/04</u> .		
2. ☑ The allowed claim(s) is/are 1-16.  3. ☑ The drawings filed on are accepted by the Examiner	г.	
<ol> <li>Acknowledgment is made of a claim for foreign priority una) ☐ All b) ☐ Some* c) ☐ None of the:         <ol> <li>Certified copies of the priority documents have</li> <li>Certified copies of the priority documents have</li> <li>Copies of the certified copies of the priority documents have</li> </ol> </li> <li>Copies of the certified copies of the priority documents have international Bureau (PCT Rule 17.2(a)).</li> <li>* Certified copies not received:</li> </ol>	been received. been received in Application No.	· · · · · · · · · · · · · · · · · · ·
Applicant has THREE MONTHS FROM THE "MAILING DATE" of noted below. Failure to timely comply will result in ABANDONM THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.	of this communication to file a rep ENT of this application.	oly complying with the requirements
5. A SUBSTITUTE OATH OR DECLARATION must be submi INFORMAL PATENT APPLICATION (PTO-152) which give	tted. Note the attached EXAMINE is reason(s) why the oath or declar	ER'S AMENDMENT or NOTICE OF aration is deficient.
6. CORRECTED DRAWINGS (as "replacement sheets") musi	t be submitted.	
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached		
1) hereto or 2) to Paper No./Mail Date		
(b) ☐ including changes required by the attached Examiner's Paper No./Mail Date		e Office action of
Identifying indicia such as the application number (see 37 CFR 1. each sheet. Replacement sheet(s) should be labeled as such in the	84(c)) should be written on the dra	wings in the front (not the back) of 21(d).
7. DEPOSIT OF and/or INFORMATION about the depose attached Examiner's comment regarding REQUIREMENT F	sit of BIOLOGICAL MATERIAI FOR THE DEPOSIT OF BIOLOG	L must be submitted. Note the ICAL MATERIAL.
Attachment(s) 1. ☐ Notice of References Cited (PTO-892)	5.	l Patent Application (PTO-152)
2. Notice of Draftperson's Patent Drawing Review (PTO-948)	6. Interview Summa	ry (PTO-413),
3. Information Disclosure Statements (PTO-1449 or PTO/SB/08 Paper No./Mail Date	Paper No./Mail I B), 7. ☐ Examiner's Amer	Date ndment/Comment
4. Examiner's Comment Regarding Requirement for Deposit	8. X Examiner's State	ment of Reasons for Allowance
of Biological Material	9.	· <del></del>

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## Allowable Subject Matter

1. The following is an examiner's statement of reasons for allowance: the closest prior art reference of record is the patent to Heisch (5,613,118). However, Heisch does not teach or suggest the features of claims 1, 11 and 16 of converting a source code for a program written in a programming language into an object program written in a machine language wherein when the object program includes a branch into a series of paths, the program modification unit selects at the branch a specific path to extract relative to the branch, from the series of paths such that the series of paths are not merged. Heisch also does not teach or suggest the features of claims 4, 7-8, and 13-15 of converting a source code for a program written in a programming language into an object program written in a machine language wherein when the compiler includes a control flow graph modification unit or step for modifying a control flow graph to separate optimized target paths from other paths.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Chavis whose telephone number is (703) 571-3720. The examiner can normally be reached on M-Tue & Th-F, 8:30-5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on (703) 571-3719. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

John Chavis

**Primary Examiner AU-2124**